

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
December 2, 2011

The Peace Officer Standards and Training Board held its 377th Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

CHIEF MARK BECKNER
CHIEF JOHN CAMPER
CHIEF HEATHER COOGAN
SHERIFF JAMES FAULL
SHERIFF CHRIS JOHNSON
CHIEF DANIEL OATES
OFFICER NICHOLAS A. PECK
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
ATTORNEY GENERAL JOHN SUTHERS
SHERIFF DAVID WEAVER
CHIEF DAVID WOHLERS
SAC JAMES YACONE

BOARD MEMBERS ABSENT

EXECUTIVE DIRECTOR JAMES DAVIS (excused)
SERGEANT LOUIS DIXON III (excused)
SERGEANT DAVID EDMONDSON (excused)
SHERIFF KIRK M. TAYLOR (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

PAUL SCHULTZ, P.O.S.T. Director
STEVE NEUMEYER, P.O.S.T. Deputy Director
MICHAEL DOUGHERTY, Deputy Attorney General
CRISTINE MACK, P.O.S.T. Investigator
RUTH VANDERBROEK, Compliance Officer
HANNAH LUCEY, P.O.S.T. Temporary Administrative Assistant
MEGAN LOBBAN, P.O.S.T. Temporary Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

JOAQUIN BACA, Lakewood Police Department
JAMES BAER , Citizen
MINER BLACKFORD, Otero Junior College
DAVID J. BRUNO, DPPA/APA/CPPA
BILL CLAYTON, Lombard and Clayton INC.
TROY COOPER, Colorado State Fraternal Order of Police/1st Judicial District
DEAN CURD, County Sheriffs of Colorado
GLENN DAVIS, Colorado Department of Transportation
GRAHAM DUNNE, Aurora Police Department
ERIC EWING, Commerce City Police Department
ERIC FREDERIC, Colorado Springs Police Department
PAT HEINE, Pueblo Police Department
BIRAN HILL, Federal Reserve Police Department
GLOVER JARMIN, Adams County Sheriff's Office
DOYLE JONES, Weld County Sheriff's Office
ED KAFEL, El Paso Sheriff's Office
DONN KRAEMER, Lakewood Police Department
CATHY LABRECQUE, Pikes Peak Community College
JANET LARSON, County Sheriff's Of Colorado
JIM MAIR, Denver Police Department
RICK MCNAIR, Adams County Sheriff's Office
DARREN O'DRISCOLL, El Paso County Sheriff's Office
ERNIE ORTIZ, Aurora Police Department
ROB PRIDE, Colorado State Fraternal Order of Police (FOP)/Loveland Police Department
TODD QUICK, La Junta Police Department
JOHN REECE, Colorado Mesa University
DEREK RICHTER, Commerce City Police Department
ERIC RUBIN, Denver Police Department
STEPHEN SCHULZ, Colorado Fraternal Order of Police
KENNY SHERMAN, Adams County Sheriff's Office
KARL SMALLEY, Adams County Sheriff's Office
TRACEY SMALLEY, Adams County Sheriff's Office
RICHARD STENSGAARD, Denver Police Department
DOUG TEMPLETON, Adams County Sheriff's Office
JOE THOMAS-HAZELL, Citizen
EDWARD TRUJILLO, El Paso County Sheriff's Office
JOHN TUCKER, Weld County Sheriff's Office
MIKE VIOLOTTE, Colorado Fraternal Order of Police
MIKE WALKER, Denver Police Department
RICHARD WEBB, Jefferson County Sheriff's Office
MARC WEBER, Larimer County Sheriff's Office
BOB WELTER, Citizen
ROBERT WINCKLER, Denver Police Department
ERIC WITTMAN, Aurora Police Department
JANICE WORTHEM, Red Rocks Community College

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The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on December 2, 2011.

Arrest Control
Curriculum
Firearms Committee
Law Enforcement Driving

Introductions

1. Welcome Attorney General John W. Suthers
2. Introduction of Board Members, Staff, S.M.E. Members and Guests
3. Roll Call Director Paul Schultz
Declaration of a Quorum
4. Recognition of P.O.S.T Deputy Director Steve Neumeyer's absence
Director Paul Schultz
5. Approval of P.O.S.T. Board Minutes for September 23, 2011
Motioned and seconded to approve minutes
Approved Unanimously

Presentations:

6. Subject Matter Expert (S.M.E.) Committee Reports

A. Curriculum

Chief Phil Baca, Chairman
Sgt. David Edmondson, Vice-Chairman
Sheriff Joe Pelle, Board Member

The curriculum committee met December 2, 2011 Department of Law in Denver, Colorado prior to the P.O.S.T. Board meeting. Chairman and Chief Phil Baca disclosed the meeting's report. The reconstructed roster of new Subject Matter Expert committee members was discussed and the members contact information was updated. Additionally, the new *Colorado Department of Law Non Disclosure and Confidentiality Agreement* was signed by each member.

The Denver Police Department's recently proposed academy curriculum in the new electronic format was a topic of conversation. Instruction and lesson plans will be provided to cadets which will be directly linked to performance outcomes that P.O.S.T. requires of each class and section of the academy. This will ensure that all standards are being met especially those of the instructors.

Delta Montrose Technical College's lesson plans for the new refresher academy and instructor's were approved by the committee.

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Weld County Sheriff's Office also proposed a new refresher academy lesson plan however; there were concerns about some blocks of instruction that didn't contain the required information. It was requested that more information be provided by a representative of the academy regarding the pass or fail of classed and particular subjects offered rather than the entire curriculum itself.

Finally there was a request from a private author to have their book entitled *Management of Aggressive Canines* involved in police academy curriculum. The SME committee didn't see it as a requirement for the academies however it's informative and individuals are welcome to purchase and read the material themselves.

B. ***Arrest Control***

***Sgt. Richard "JJ" Webb, Co-Chairman
Cpl. Richard Stensgaard, Co-Chairman
Sgt. Louis A. Dixon III Board Member***

The Arrest Control Subject Matter Expert Committee met December 2, 2011 Department of Law in Denver, Colorado prior to the P.O.S.T. Board meeting and also signed the *Colorado Department of Law Non Disclosure and Confidentiality Agreement* as well as reviewed the membership forms.

Co-Chairperson and Sergeant Richard Webb of the Jefferson County Sheriff's Office relayed the discussion of the SME committee's meeting. It was determined that next year there will be a submission of review for the arrest control instructional program which has not been reviewed or discussed since 1997. Many of the departments haven't used the old programs therefore this is necessary to validate the processes by which the instructors identify their own standards within a department that has an academy.

The Arrest Control Subject Matter Expert Committee approved Trooper Ryan Barba as new SME committee member.

The Denver Police Department also submitted hard copies of their new academy process for the committee's review. It's very well done and appreciated.

Two instructors were formally approved.

The refresher academy was reviewed for Weld County. The arrest control component is not required in the refresher course and historically there hasn't been a standard for the arrest control to have such a program however Weld County is submitting for sixteen hours. This program would be based on the test out that is utilized when someone comes into the state and is tested specifically for arrest control. Such information would yield their new standard. The committee will submit a request that this be reviewed next year. It will also be recommended that the arrest control component should be included in the refresher course.

C. Firearms

***Deputy Ed Kafel, Chairman
Tech. Robert Winckler, Vice-Chairman
Vacant Board Member***

Chairman and Deputy Ed Kafel reported the meeting's discussions for the Firearm Subject Matter Expert Committee.

In 2011 the Firearms Committee held twelve meetings. They conducted two firearms training program inspections, five firearm test-outs, and reviewed and approved nine firearms training program lesson plans including Denver's. The committee reformatted and clarified the outline for the Firearms training program in addition to rewriting the Handgun Instructor Program to make it more relevant while maintaining the 40 hours. Finally, the committee standardized the instructions for administering the qualification course for the basic firearms program, refresher academies and test-outs.

Instructor Eric Schuyler of the Pikes Peak Community College has been accepted on the Firearm's committee

Special acknowledgement was made to Cristine Mack and Ruth VanDerBroek. Their support throughout the year has been instrumental for the success of the committee.

D. Law Enforcement Driving

***Lt. Karl Smalley, Chairman
Sgt. Al Padilla, Vice-Chairman
Chief Heather Coogan, Board Member***

Chairman and Lieutenant Karl Smalley gave report on the Law Enforcement Driving Subject Matter Expert Committee's meeting.

A Law Enforcement Driving Committee meeting was held in September in Commerce City in lieu of the P.O.S.T Board meeting in Pueblo which the committee was unable to attend. At this gathering, the Delta Montrose Technical College's lesson plan submission was reviewed. The inspection of the academy in 2008 identified problems with using the gravel portion of the roadways in which they do their training on. The recommendation was to use only the paved portion of the roadway.

The nine members who met on December 2, 2011 discussed the retirement of Sergeant Al Padilla effective January of next year. He will be missed in the committee.

All of the administrative paperwork was completed in addition to the signing of the *Colorado Department of Law Non Disclosure and Confidentiality Agreement*.

Upcoming inspections include test outs for 2012. Also took a look at the current test-out for driving whereby there were recommendations made

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Two instructors were formally approved by the committee.

Denver's Police Academy's instructors as well as their lesson plan for law enforcement were approved.

Weld County's lesson plan was also approved.

A driving accident occurred at the Pueblo Community College whereby a serious injury occurred. Ruth VanDerBroek and Cristine Mack assisted in the documentation for the investigation of the injury. The director of the college also did everything appropriately.

Action Items:

**7. *Peace Officer Certification Revocation Actions* *Attorney General John Suthers*
Director Paul Schultz
*Board Counsel Diane Marie Dash***

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions: § 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the P.O.S.T. Board if the certificate holder ***has been convicted of a felony at any time***, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S., or, has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term 'conviction' includes any deferred judgments or deferred sentences imposed by a court or judge.

1. No. 11-07, Scott M. Downey Conditional Authority (PID 134135). On June 22, 2011, Respondent pled guilty to and was convicted of one count of Computer Crime – Unauthorized Access – 2d Of, § 18-5.5-102(1)(a),(3)(b) C.R.S., a class 6 felony. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense from: December 10, 2008 – Never appointed).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-07 by failing to appear at the scheduled Show Cause Hearing. Director Schultz recommends revocation of Scott M. Downey's Colorado Peace Officer Conditional Authority (PID 134135).

Motion made and seconded
Approved unanimously

2. No. 11-08, William S. Pride Certification No. B6314 (PID 112947). On August 5, 2010, Respondent pled guilty to and was convicted of 1 count of Contributing to the Delinquency of Minor, § 18-6-701 C.R.S., a class 4 felony and 1 count of Official Oppression, § 18-8-403 C.R.S., a class 2 misdemeanor. *The Respondent was not employed as a peace officer on the date of the offense (Date of Offense: April 22, 2010 – Separated: July 31, 2005).* The Respondent has failed to comply with P.O.S.T. Show Cause Order 11-08 by failing to appear at the scheduled Show Cause

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Hearing. Director Schultz recommends revocation of William S. Pride's Colorado Peace Officer Certificate No. B6314 (PID 112947).

Motion made and seconded

Approved unanimously

- B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions: § 24-31-305, C.R.S.(2)(a) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section or 24-31-308 shall be suspended or revoked by the P.O.S.T. Board if the certificate holder has been convicted of a felony, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S., or has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term 'conviction' includes any deferred judgments or deferred sentences imposed by a court. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes are recognized in § 24-31-305(1.5) (b) thru (h), C.R.S.

1. No. M11-07, Tracy Allison Quinn, Sr., Certification No. B13045 (PID 129907). On July 21, 2011, Respondent pled guilty to 1 count of Assault 3 – Know/Reckless Cause Injury, §18-3-204(1)(a), C.R.S., a class 1 misdemeanor. *The Respondent was employed as a peace officer on the date of the offense (Date of Offense: January 28, 2011 – Separated: April 15, 2011).* The Respondent did comply with P.O.S.T. Show Cause Order M11-07. Director Schultz denied the request by Mr. Quinn to not go through with the revocation of his certification and recommends revocation of Tracy Allison Quinn, Sr.'s Colorado Peace Officer Certificate No. B13045 (PID 129907).

Motion made and seconded

Approved unanimously

2. No. M11-03, Steven Floyd James, Certification 15524 (PID 115175.) Update: On February 16, 2011, Respondent was convicted, in a trial to the court, of one (1) count of Obstructing Firefighter/Medical, Section 18-8-104 (1) (a), C.R.S., a class 2 misdemeanor. *Respondent was employed as a peace officer on the date of the offense (Date of offense: March 27, 2010- Separated: January 11, 2011.)* Respondent petitioned the Board to not revoke his certificate within thirty (30) days after the effective date of conviction. P.O.S.T. Rule 9(e) provides that the Board will hear the appeal if at least six (6) members of the Board vote affirmatively. That appeal was granted and a five-member panel was selected to hear the appeal. The decision of the five-member panel unanimously voted to hold in abeyance Mr. James' certification pending the outcome of his appeal process. The panel decision shall be deemed the final Board action in this matter. Additionally, it was agreed that Mr. James would not seek employment as a peace officer pending the appeal of this case. Since, Mr. James has been residing out of state and desires to become a part-time marshal in Nebraska. The panel again will be polled to determine whether this modification of the agreement should be altered from its original form. Mr. James would also need to complete P.O.S.T. certification requirements in the State of Nebraska.

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8. ***P.O.S.T. Test Vendor Update***

Director Paul Schultz

- A. Bids have been placed with various companies regarding the composition of a new P.O.S.T exam. One business in particular, I/O Solutions, specializes in online testing which after review of their references and products, Director Paul Schultz recommends further action with them. This may require a sub-committee's unanimous vote. The test would consist of 400 questions and it would be validated by individuals on a PhD level. If the test would happen to be hacked, the insurance would cover a new test at no additional charge. All police academies of Colorado were surveyed for their endorsement of this ideal and eleven responded. Only one had major concerns which were addressed prior to this meeting. If this method is adopted, the test proctoring would occur by the academy staff. In addition, for a fee, a test expert by the name of Dr. Helaoyna out of Arizona, can analyze and confirm in the area of psychometrics that the test is legitimate and well worth the money. He has also been contracted through Arizona P.O.S.T. for a similar consultation. This is simply another layer of protection in the process of building a new exam. The quote was \$45,000 which may include an additional \$5,000 for add-on. The annual costs may be as little as \$2,000.00/yr.

Motion made and seconded

Approved unanimously

9. ***2012 Sheriff Conference Speaker Request***

Director Paul Schultz

- A. County Sheriff's of Colorado is requesting up to \$4,500 to help pay for two speakers at the annual Sheriff's conference in January 2012. Brian Willis, a 25 year veteran of the Calgary, Alberta Police Department and an international law enforcement trainer will present "The Winning Mindset for Officers". Pay Woodin from Jefferson County will speak on Risk Management. \$4,000 will be used to cover speaker fees, part of the travel costs and two day per diem for Mr. Willis and \$500 will be used to cover speaker fees for Ms. Woodin.

Motion made and seconded

Approved unanimously

10. ***Formal Board Recognition of the members of the 2012 Subject Matter Expert (SME) Committees***

- A. Committee Rosters – Curriculum SME, Firearms SME, Arrest Control SME, and Driving SME.
B. Vacancy in Firearms SME was filled by S.A.C James F. Yacone

Informational Items:

11. ***Conditional Certification Update***

Director Paul Schultz

- A. Representative Mark Waller has agreed to carry this bill after it was suggested to the Board to amend the conditional certification time frame to three years

12. P.O.S.T. Grant Administrative Cost Update

Director Paul Schultz

- A. This is an on-going process whereby P.O.S.T. is working to determine what percentage of dollars are allowable and ought to be allocated to agencies acting as the fiscal agent in the future.

13. Instructor and Course Approval Update

Director Paul Schultz

- A. Progress being made in terms of P.O.S.T.'s response to instructor, company, or course and the method of consent. There are multiple models being researched at this time and more information will be available at the next Board meeting.

14. P.O.S.T. Board Recruitment Update

Director Paul Schultz

- A. Currently there is one opening due to the resignation of Sheriff Louis Vallario for a Sheriff Representative. P.O.S.T. has contacted County Sheriffs of Colorado and broadcasted a posting on their website which the application deadline is December 14, 2011. The interview process will follow.
- B. There's an additional opening available pursuant to § 24-31-301, C.R.S.(4), for a local government representative such as a member of a board of county commissioners, a city or town council, a mayor, or on the board of trustees for the mayor. This is a governor appointed position.

15. Comments from others on P.O.S.T. Issues

- A. Departing from the truth update:
 - 1. There is currently a drafted bill proposing P.O.S.T.'s involvement in decertification once the agency terminates an employee for departing from the truth as defined. The agency is to notify P.O.S.T. who will then decertify the individual within ten days unless the employee challenges the termination in the court of law. The court will determine the certification outcome thereafter.
 - 2. Attorney General John Suthers suggested there be a special meeting if this bill is introduced prior to the next Board meeting of March 9, 2012. Sheriff Joe Pelle agreed and added that whether this process involves investigators or a quasi-judicial onus, there will be a cost with fiscal impact on the Board and possibly effect training dollars.
 - 3. Mike Violette further added that the Colorado State Fraternal Order of Police, without seeing the most current edition, intends to oppose and go against the bill based on the information that was proposed last year.
- B. Mr. Joe Thomas-Hazell made a comment on profiling and expressed his feelings towards the need to "tighten" the assessment of cases. He suggested that every officer carry a form associated with officer's feelings towards victim's incompetence. Attorney John Suthers responded by stating that a great deal of time and training has been spent in those areas; racial profiling in particular.

16. 2012 P.O.S.T Board meeting schedule

Friday, March 9, 2012

Friday, June 8, 2012

Thursday and Friday, September 27th and 28th, 2012 (location – TBA)

Friday, December 7th, 2012

17. Adjournment

Attorney General Suthers called for a motion to Adjourn.

Motioned and Seconded

Adjourned unanimous

Next P.O.S.T. Board Meeting

Colorado Department of Law

1525 Sherman Street

Denver, CO 80203

Friday March 9, 2012 – Board Meeting

S.M.E. Meetings - 8:00 a.m. – Board Meeting – 10:00 a.m.